

**SUPREME COURT MINUTES
FRIDAY, OCTOBER 21, 2005
SAN FRANCISCO, CALIFORNIA**

S137997

JONES (HENRY W.) ON H.C.
Petition for writ of habeas corpus & stay denied

S128442

G031061 Fourth Appellate District,
Division Three

PEOPLE v. WRIGHT
Extension of time granted

to November 23, 2005 for respondent's to file the
reply brief on the merits.

S134072

C045494 Third Appellate District

CALIFORNIA COMMISSION ON PEACE OFFICER
STANDARDS & TRAINING v. SC (SACRAMENTO)
Extension of time granted

to November 14, 2005 for petitioner to file the
answer brief on the merits.

S134243

B170355 Second Appellate District,
Division Six

PEOPLE v. THOMA
Extension of time granted

to November 27, 2005 for appellant to file the
opening brief on the merits.

S135587

B158840 Second Appellate District,
Division Eight

CONSUMER ADVOCACY GRP v. KINTETSU ETNR
Extension of time granted

to November 4, 2005 for respondents 7-Eleven,
Inc., Wal-Mart Stores, Inc., Sam's Club, Circle
K Stores, Inc., and Tosco Corporation, to file the
certification of interested entities or persons.

S137591

A104964 First Appellate District,
Division Three

MASON SHOE MANUFACTURING CO. v. STATE
BOARD OF EQUALIZATION
Extension of time granted

to November 4, 2005 for respondents to file the
answer to petition for review.

S004365

PEOPLE v. WILLIAMS (STANLEY)
Withdrawal of counsel allowed by order

Good cause appearing, the separate applications of appointed lead and associate counsel for permission to withdraw as attorney of record for condemned prisoner Stanley Williams, each filed October 21, 2005, are granted.

The order appointing Bert H. Deixler as counsel of record for condemned prisoner Stanley Williams, filed December 10, 1981, is hereby vacated, and the order appointing Howard R. Price as associate counsel of record for condemned prisoner Stanley Williams, filed October 25, 1991, is hereby vacated.

Verna J. Wefald is hereby appointed as counsel of record for condemned prisoner Stanley Williams. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S042660

PEOPLE v. DEMENT (RONNIE D.)
Order filed

Appellant's application for leave to file opening brief longer than 95,200 words is granted.

S136594
B814716 Second Appellate District,
Division Three

GUYTON (EDWARD) ON H.C.
Order filed

The order filed on October 12, 2005, denying the petition for review is amended as to the Court of Appeal number reflected above.

S138156

DELACRUZ v. S.C (PEOPLE)
Transferred to CA 2

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for

consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S121225

MERRYMAN ON DISCIPLINE

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **LAWRENCE A. MERRYMAN, State Bar No. 28984**, must be actually suspended from the practice of law for one year. Credit toward the period of actual suspension must be given for the period of involuntary inactive enrollment which commenced on August 26, 2005 (Business & Professions Code section 6007(d)(3)). It is further ordered that **Lawrence A. Merryman** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. and Prof. Code, § 6126, subd. (c).)

S123707

O'NEILL ON DISCIPLINE

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **WILLIAM O'NEILL, III, State Bar No. 69629**, must be actually suspended from the practice of law for 90 days. Credit toward the period of actual suspension must be given for the period of

involuntary inactive enrollment which commenced on July 30, 2005 (Business & Professions Code section 6007(d)(3)). It is further ordered that **William O'Neill, III** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S136351

SCHORLING ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DOUGLAS DEAN SCHORLING, State Bar No. 96106**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation, filed on June 21, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-half of said costs are to be added and become part of the membership fees for years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S136355**PHILLIPS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **CLAUDIA L. PHILLIPS, State Bar No. 93233**, be suspended from the practice of law for two years, and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 20, 2005. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs are to be added and become part of the membership fees for years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S136356**MOLINA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JUAN A. MOLINA, State Bar No. 177982**, be suspended from the practice of law for two years, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for

Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed June 21, 2005. Costs are awarded to the State Bar and one-half of said costs are to be added to and become a part of membership fees for years 2006 and 2007. (Bus.& Prof. Code § 6086.10.)

S136357**HARRINGTON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **MYLIK R. HARRINGTON, State Bar No. 213894**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to Loretha Pennix (or the Client Security Fund, if appropriate) in the amount of \$15,000.00 plus 10% interest per annum from January 9, 2004; to John and Myrtle Ricks (or the Client Security Fund, if appropriate) in the amount of \$3,500.00 plus 10% interest per annum from December 18, 2003; to Stefani Thomas and/or Donald McNeil (or the Client Security Fund, if appropriate) in the amount of \$2,000.00 plus 10% interest per annum from November 5, 2003; and to Annette Badger (or the Client Security Fund, if appropriate) in the amount of \$3,500.00 plus 10% interest per annum from June 30, 2004, and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed June 6, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is

also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S136359

GERNSBACHER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DAVID LAURENCE GERNSBACHER, State Bar No. 89596**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 28, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar

and one-third of said costs are to be added to and become a part of membership fees for the years 2006, 2007 and 2008. (Bus.& Prof. Code § 6086.

S138177

SMITH ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JANICE E. SMITH, State Bar No. 97976**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138178

CROCKETT ON RESIGNATION

The voluntary resignation of **Alan Keith Crockett, State Bar No. 83261**, as a member of the State Bar of California is accepted.

S138179

GALLAGHER ON RESIGNATION

The voluntary resignation of **Julie Diane Gallagher, State Bar No. 127696**, as a member of the State Bar of California is accepted.

S138180

HANLIN ON RESIGNATION

The voluntary resignation of **William Keith Hanlin, State Bar No. 122064**, as a member of the State Bar of California is accepted.

S138181

HARRINGTON ON RESIGNATION

The voluntary resignation of **Denise Renee Harrington, State Bar No. 163007**, as a member of the State Bar of California is accepted.

S138183

HURST ON RESIGNATION

The voluntary resignation of **Philip Allan Desmond Hurst, State Bar No. 122151**, as a member of the State Bar of California is accepted.

S138185

KANE ON RESIGNATION

The voluntary resignation of **Jerry W. Kane, State Bar No. 79392**, as a member of the State Bar of California is accepted.

S138186

KELLIHER ON RESIGNATION

The voluntary resignation of **Daniel Joseph Kelliher, State Bar No. 50874**, as a member of the State Bar of California is accepted.

S138187

KRITZBERG ON RESIGNATION

The voluntary resignation of **Joan Hamilton Kritzberg, State Bar No. 135286**, as a member of the State Bar of California is accepted.

S138188

TOBIAS ON RESIGNATION

The voluntary resignation of **John Roger Tobias, State Bar No. 80750**, as a member of the State Bar of California is accepted.

S138190

WEISS ON RESIGNATION

The voluntary resignation of **Jason Weiss, State Bar No. 211690**, as a member of the State Bar of California is accepted.

S138191

YOUNG ON RESIGNATION

The voluntary resignation of **Joan Marie Young, State Bar No. 194052**, as a member of the State Bar of California is accepted.

S138198

BAER ON RESIGNATION

The voluntary resignation of **MARTIN S. BAER, State Bar No. 27234**, as a member of the State Bar of California is accepted.

S138199

CHESSHIR ON RESIGNATION

The voluntary resignation of **ROBERT STEPHAN CHESSHIR, State Bar No. 92548**, as a member of the State Bar of California is accepted.

S138202

GLICKLIN ON RESIGNATION

The voluntary resignation of **BARBARA DIANE GLICKLIN, State Bar No. 95433**, as a member of the State Bar of California is accepted.

S138204

KRETZMEIER ON RESIGNATION

The voluntary resignation of **H. WILLIAM KRETZMEIER, State Bar No. 42919**, as a member of the State Bar of California is accepted.

S138205

LAWSON ON RESIGNATION

The voluntary resignation of **RHONA LEA LAWSON, State Bar No. 120620**, as a member of the State Bar of California is accepted.

S138207

READ ON RESIGNATION

The voluntary resignation of **RITA KAARINA READ, State Bar No. 108083**, as a member of the State Bar of California is accepted.

S138208

QUERARD ON RESIGNATION

The voluntary resignation of **MICHAEL JOHN QUERARD, State Bar No. 165390**, as a member of the State Bar of California is accepted.

S138209

SPRINGER ON RESIGNATION

The voluntary resignation of **CHARLES HENRY THOMAS SPRINGER, State Bar No. 56129**, as a member of the State Bar of California is accepted.

S138210

WOLEN ON RESIGNATION

The voluntary resignation of **DAVID HENRY WOLEN, State Bar No. 100503**, as a member of the State Bar of California is accepted.

S138211

BEAL ON RESIGNATION

The voluntary resignation of **ROBERT FRANCIS BEAL, State Bar No. 181363**, as a member of the State Bar of California is accepted.

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THE HONORABLE H. WALTER CROSKEY, Associate Justice of the Court of Appeal, Second Appellate District, Division Three, is hereby assigned to assist the Supreme Court of California, as a justice thereof, on October 21, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.